

105TH CONGRESS  
1ST SESSION

# H. R. 650

To amend title 23, United States Code, to improve safety at public railway-highway crossings, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 1997

Mr. VISCLOSKY (for himself, Mr. HOSTETTLER, Mr. ROEMER, Mr. MCINTOSH, Mr. BURTON of Indiana, Mrs. CARSON, Mr. HAMILTON, and Mr. PEASE) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend title 23, United States Code, to improve safety at public railway-highway crossings, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Highway Rail Grade  
5       Crossing Safety Formula Enhancement Act of 1997”.

1 **SEC. 2. ALLOCATIONS OF APPORTIONED FUNDS FOR RAIL-**  
2 **WAY-HIGHWAY CROSSINGS.**

3 (a) APPORTIONMENT FOR RAILWAY-HIGHWAY  
4 CROSSINGS.—Section 104(b)(3) of title 23, United States  
5 Code, is amended—

6 (1) in subparagraph (A) by striking “For the”  
7 and inserting “After making the set aside required  
8 by subparagraph (C), for the”;

9 (2) in subparagraph (B)—

10 (A) in the first sentence by striking “this  
11 paragraph” and inserting “subparagraph (A)”;  
12 and

13 (B) in the second sentence by striking  
14 “this paragraph” and inserting “subparagraph  
15 (A) or this subparagraph”; and

16 (3) by adding at the end the following:

17 “(C) SET ASIDE FOR RAILWAY-HIGHWAY  
18 CROSSINGS.—For fiscal year 1998, the Sec-  
19 retary shall—

20 “(i) set aside 5 percent of the funds  
21 authorized for the surface transportation  
22 program to be apportioned to States to be  
23 used in accordance with section  
24 133(d)(1)(B)(i); and

1 “(ii) apportion the funds set aside  
2 under clause (i) among the States so  
3 that—

4 “(I) 25 percent is apportioned  
5 based on the ratio of the total number  
6 of accidents at public railway-highway  
7 crossings during the 3 full calendar  
8 years preceding the first day of the  
9 fiscal year in each State to that total  
10 in all States;

11 “(II) 25 percent is apportioned  
12 based on the ratio of the total number  
13 of fatalities at public railway-highway  
14 crossings during the 3 full calendar  
15 years preceding the first day of the  
16 fiscal year in each State to that total  
17 in all States;

18 “(III) 25 percent is apportioned  
19 based on the ratio, as of the first day  
20 of the fiscal year, of the number of  
21 public railway-highway crossings in  
22 each State to the number of public  
23 railway-highway crossings in all  
24 States;

1 “(IV) 25 percent is apportioned  
 2 based on the ratio, as of the first day  
 3 of the fiscal year, of the number of  
 4 public railway-highway crossings with  
 5 passive warning devices in each State  
 6 to the number of public railway-high-  
 7 way crossings with passive warning  
 8 devices in all States; and

9 “(V) notwithstanding subclauses  
 10 (I) through (IV), each State receives a  
 11 minimum apportionment of  $\frac{1}{4}$  of 1  
 12 percent of the funds set aside under  
 13 clause (i), except that each of Hawaii,  
 14 Puerto Rico, and the District of Co-  
 15 lumbia receives  $\frac{1}{8}$  of 1 percent of the  
 16 funds set aside under clause (i).”.

17 (b) ALLOCATIONS FOR SAFETY PROGRAMS.—Section  
 18 133(d)(1) of title 23, United States Code, is amended to  
 19 read as follows:

20 “(1) FOR SAFETY PROGRAMS.—

21 “(A) FISCAL YEARS 1991 THROUGH 1997.—

22 “(i) IN GENERAL.—Subject to clause  
 23 (ii), for each of fiscal years 1991 through  
 24 1997, 10 percent of the funds apportioned  
 25 to a State under section 104(b)(3)(A) for

1 the surface transportation program for a  
2 fiscal year shall be available only to carry  
3 out sections 130 and 152.

4 “(ii) MINIMUM.—Of the funds re-  
5 quired to be made available by clause (i)  
6 for a fiscal year, each State shall use an  
7 amount of the funds to carry out each of  
8 sections 130 and 152 that is not less than  
9 the amount of funds apportioned to the  
10 State for fiscal year 1991 under the sec-  
11 tion.

12 “(B) FISCAL YEAR 1998.—

13 “(i) RAILWAY-HIGHWAY CROSSINGS.—  
14 Subject to clause (iii), for fiscal year 1998,  
15 the funds apportioned to a State under  
16 section 104(b)(3)(C) shall be available only  
17 to carry out section 130.

18 “(ii) HAZARD ELIMINATION PRO-  
19 GRAM.—Subject to clause (iii), for fiscal  
20 year 1998, 5 percent of the funds appor-  
21 tioned to a State under section  
22 104(b)(3)(A) for the surface transportation  
23 program for fiscal year 1998 shall be avail-  
24 able only to carry out section 152.

1                   “(iii) MINIMUM.—To the extent nec-  
2                   essary to ensure that the amount of funds  
3                   made available for fiscal year 1998 to  
4                   carry out each of sections 130 and 152 is  
5                   not less than the amount of funds appor-  
6                   tioned to the State for fiscal year 1991  
7                   under the section, each State shall use—

8                               “(I) funds described in clause (i)  
9                               to carry out section 152; and

10                              “(II) funds described in clause  
11                              (ii) to carry out section 130.”.

12           (c) TECHNICAL CORRECTIONS.—Section 130 of title  
13 23, United States Code, is amended—

14                   (1) by striking subsection (f); and

15                   (2) by redesignating subsections (g) and (h) as  
16                   subsections (f) and (g), respectively.

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